

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DASHAUN WRIGHT,

Plaintiff,

v.

STATE OF NEVADA et al.,

Defendants.

Case No. 3:16-cv-00722-RCJ-WGC

ORDER

**I. DISCUSSION**

Plaintiff, a *pro se* prisoner, previously filed an application to proceed *in forma pauperis* and submitted a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1, 1-1.) The caption of the complaint stated “In the 7<sup>th</sup> Judicial District Court of the State of Nevada in and for the County of White Pine.” (ECF No. 1-1 at 1).

Plaintiff now files a motion to strike complaint and request for returned original filings. (ECF No. 5). Plaintiff contends that the complaint is a forged document due to Ely State Prison staff illegally inspecting his legal mail and forwarding it to the wrong court. (*Id.* at 1). Plaintiff states that the instant complaint was addressed to the Judicial Court of White Pine County, 333 Las Vegas Blvd. (*Id.*)

The Court interprets this motion as a motion for voluntary dismissal. (ECF No. 5). Pursuant to Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). The

1 Court grants Plaintiff's motion to voluntarily dismiss this action because no responsive  
2 pleading has been filed in this case. As such, the Court dismisses this action without  
3 prejudice. However, the Court notes that the address for the U.S. District Court for the  
4 District of Nevada is 333 Las Vegas Blvd. South, Las Vegas, Nevada 89101. The address  
5 for the White Pine County District Court is 801 Clark Street, Suite 4, Ely, Nevada 89301.

6 **II. CONCLUSION**

7 For the foregoing reasons, it is ordered that the motion to strike complaint and  
8 request for returned original filings (ECF No. 5) is construed as a motion for voluntary  
9 dismissal.

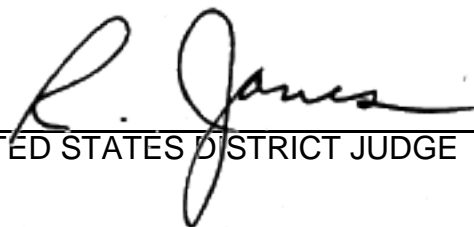
10 It is further ordered that the motion for voluntary dismissal (ECF No. 5) is granted.

11 It is further ordered that this action is dismissed in its entirety without prejudice.

12 It is further ordered that the Clerk of the Court shall send Plaintiff a copy of his  
13 original complaint (ECF No. 1-1).

14 It is further ordered that the Clerk of the Court shall enter judgment accordingly.

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16 DATED THIS January 4, 2017.

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UNITED STATES DISTRICT JUDGE